



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/549,505	04/14/2000	Brian Mark Shuster	70111.00015	8771

58688 7590 08/20/2007
CONNOLLY BOVE LODGE & HUTZ LLP
P.O. BOX 2207
WILMINGTON, DE 19899

EXAMINER	
CAMPBELL, JOSHUA D	

ART UNIT	PAPER NUMBER
2178	

MAIL DATE	DELIVERY MODE
08/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/549,505

Applicant(s)

SHUSTER ET AL.

Examiner

Joshua D. Campbell

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 50-54, 56-63, 65, 72 and 73 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 50-54, 56-63, 65, 72 and 73 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: Request for reconsideration filed on 6/4/2007.
2. Claims 50-54, 56-63, 65-69, 72, and 73 are pending in this case. Claims 50 and 60 are independent claims.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 50-53, 60-62, 68, 69, 72 and 73 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Weinberg et al. (US Patent Number 6,237,006, with US filing date of October 15, 1996) in view of Bloomberg (US Patent Number 5,765,176, issued on June 9, 1998).

Regarding independent claim 50, Weinberg et al. discloses a method in which a plurality of pages are mapped, each page having a network address and comprising at least one hyperlink to a related page (column 1, line 64-column 2, line 26 of Weinberg et al.). Linked related pages are then identified for the target pages (column 2, lines 10-57 of Weinberg et al.). Weinberg et al. also discloses that both hyperlinked objects (other web pages) and non-hyperlink information objects (images, audio files, video files, etc.) are automatically selected for the mapping process (column 8, lines 32-50 of Weinberg et al.). Weinberg et al. discloses that additional information or properties for

each page, object, and link are defined and displayed on the map when a user zooms in the view of the map (column 2, lines 10-57 of Weinberg et al.). Weinberg et al. also discloses that hyperlinks referencing target pages and linked related pages are displayed, and upon the selection of those one of those hyperlinks a map is generated for the source of the hyperlinked page including in-links and out-links and all map provided information (column 16, lines 20-67 and column 18, lines 20-33 of Weinberg et al.).

Weinberg et al. discloses that a map is generated that shows the relationship of the objects, which are shown as thumbnail icons, and also shows additional information about the objects as the user zooms in on the map (column 2, lines 10-57 of Weinberg et al.). Weinberg et al. does not disclose a method in which the icon is a direct representation of the original non-reduced image or that the final map includes a block of text and the reduced sized image. However, Bloomberg discloses a method in which icons are created for use based on the original non-reduced image of a document that they represent, which include blocks of text and images from the document (Figure 3 and column 5, line 63-column 6, line 24 of Bloomberg). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the methods of Weinberg et al. with the methods of Bloomberg because it would have provided an easier way to allow users to recognize the full-sized image represented by the icons by merely previewing the map.

Regarding dependent claim 51, Weinberg et al. discloses a method in which a graphical icon is used to identify every object and page in the map (column 2, lines 49-

57 of Weinberg). Additional information or properties for each page, object, and link are defined and displayed on the map when a user zooms in the view of the map (column 2, lines 10-57 of Weinberg et al.). Weinberg et al. also discloses a method in which search results (list) from an internet search engine query are used as identifiers to generate the map, and each of those results correspond to one of the objects on the map (column 26, line 47-column 27, line 35 of Weinberg et al.). Weinberg et al. discloses a method in which any of the objects on the map may be selected by the user (column 1, line 64-column 2, line 48 of Weinberg).

Regarding dependent claims 52 and 53, Weinberg et al. discloses that a map is generated that shows the relationship of the objects, which are shown as thumbnail icons and also shows additional information about the objects as the user zooms in on the map (column 2, lines 10-57 of Weinberg et al.). This map is a hierarchal representation of the linked page structure (Figure 1 of Weinberg et al.)

Regarding independent claim 60 and dependent claims 61-62 and 64, the claims incorporate substantially similar subject matter as claims 50 and 52-53. Thus, the claims are rejected along the same rationale as claims 50 and 52-53.

Regarding dependent claims 68 and 69, Weinberg et al. discloses a method in which an application module, which is a distributable application, on a client computer generates the map page from information provided by a server (column 7, line 55-column 8, line 15 of Weinberg et al.).

Regarding dependent claims 72 and 73, Weinberg et al. also discloses a method in which search results (list) from an internet search engine query are used as

identifiers to generate the map, and each of those results correspond to one of the objects on the map (column 26, line 47-column 27, line 35 of Weinberg et al.).

Weinberg et al. discloses a method in which any of the objects on the map may be selected by the user (column 1, line 64-column 2, line 48 of Weinberg).

5. Claims 54, 56-58, 63, and 65-67 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Weinberg et al. (US Patent Number 6,237,006, with US filing date of October 15, 1996) in view of Bloomberg (US Patent Number 5,765,176, issued on June 9, 1998) as applied to claims 50, 52, 60, and 61 above, and further in view of Astiz et al. (US Patent Number 6,035,330, filed on March 29, 1996).

Regarding dependent claim 54, Weinberg et al. and Bloomberg fail to teach that information is accessed by selecting an identifier from the list (search engine results). However, Astiz et al. discloses a method of mapping a web page in which the map itself and the corresponding data are stored in a database, from which they can be recalled by users (column 5, line 68-column 6, line 20 of Astiz et al.). Astiz et al. also discloses that a mouse can be used to access maps previously generated that are stored in the database by selecting the page (link in search engine results) that the map corresponds too (column 9, line 31-column 10, line 50 of Astiz et al.). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the methods of Weinberg et al. and Bloomberg with the method of Astiz et al. because it would have provided a more organized way of accessing the data contained in memory.

Regarding dependent claims 56-58, Weinberg et al. and Bloomberg do not disclose a method in which the map data and pages are stored in a database, where users can recall the information using the mouse. Weinberg et al. also discloses that search engine may be used for mapping purposes, so that a search is performed for pages on a wide area network (internet) and a map is created from that set of web pages (column 26, line 32-column 27, line 35 of Weinberg et al.). Weinberg fails to teach that the information is stored in a database and accessed using a mouse by selecting the original page. However, Astiz et al. discloses a method of mapping a web page in which the map itself and the corresponding data are stored in a database, from which they can be recalled by users via URL (column 5, line 68-column 6, line 20 of Astiz et al.). Astiz et al. also discloses that a mouse can be used to access maps previously generated that are stored in the database by selecting the page (link in search engine results) that the map corresponds too (column 9, line 31-column 10, line 50 of Astiz et al.). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the methods of Weinberg et al. and Bloomberg with the method of Astiz et al. because it would have provided a more organized way of accessing the data contained in memory.

Regarding dependent claims 63 and 65-67, the claims incorporate substantially similar subject matter as claims 54 and 56-58. Thus, the claims are rejected along the same rationale as claims 54 and 56-58.

6. Claim 59 remains rejected under 35 U.S.C. 103(a) as being unpatentable over Weinberg et al. (US Patent Number 6,237,006, with US filing date of October 15, 1996) in view of Bloomberg (US Patent Number 5,765,176, issued on June 9, 1998) further in view of Astiz et al. (US Patent Number 6,035,330, filed on March 29, 1996) as applied to claim 56 above, and further in view of Sitka (US Patent Number 6,330,572, US filing date July 15, 1998).

Regarding dependent claim 59, none of Weinberg et al., Astiz et al., nor Bloomberg disclose a method of deleting items from the map database after a predetermined amount of time. However, Sitka discloses a method of database management in which items in which items contained within a database can be automatically deleted based on the amount of time they have spent in the database (column 17, line 54-column 18, line 3 of Sitka). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the method of Sitka on the mapping system because Sitka's method would have allowed automatic database "house cleaning" to increase open space available to the user.

Response to Arguments

7. Applicant's arguments filed 6/4/2007 have been fully considered but they are not persuasive.

Regarding applicant's arguments on pages 8-10, in reference to whether or not Weinberg and Bloomberg disclose generating map information including hyperlinks to maps of related pages, the examiner maintains that the rejection is proper. Weinberg et

Art Unit: 2178

al. discloses that hyperlinks referencing target pages and linked related pages are displayed, and upon the selection of those one of those hyperlinks a map is generated for the source of the hyperlinked page including in-links and out-links and all map provided information (column 16, lines 20-67 and column 18, lines 20-33 of Weinberg et al.). In column 16, lines 20-67 discloses multiple functions of ability which include generating a new map, opening a map, and displaying the incoming and/or outgoing links to a specific selected node. In column 18, lines 20-33 the idea that selecting a different node displays a different map corresponding to the incoming and/or outgoing links of said selected node is portrayed, which is more than enough to reject the broadly defined claims as currently and previously presented.

Regarding applicant's arguments on pages 10-11, in reference to whether or not Weinberg and Bloomberg disclose automatically selecting objects including a block of text and an image file from target objects, the examiner maintains that the rejection is proper. Weinberg et al. also discloses that both hyperlinked objects (other web pages) and non-hyperlink information objects (images, audio files, video files, etc.) are automatically selected for the mapping process (column 8, lines 32-50 of Weinberg et al.). Weinberg et al. discloses that a map is generated that shows the relationship of the objects, which are shown as thumbnail icons, and also shows additional information about the objects as the user zooms in on the map (column 2, lines 10-57 of Weinberg et al.). Weinberg clearly discloses that all image files contained within the selected mapped document are included in the map, in addition to this a block of text is extracted (see Figure 4, note all of the nodes have a textual label corresponding to the content of

the node), the applicant has provided absolutely zero arguments to rebut either of these facts, merely stating that deficiencies exist. It remains completely unclear to the examiner how phrases such as "Mercury Interactive Online" and "Mercury Interactive – Empl..." can possibly be interpreted in any other way than "blocks of text," which remains the only limiting language in the claims. In addition to this, it is very clearly stated in Weinberg, that the content included in the map is the content of a web page, which includes image files (column 8, lines 40-58 of Weinberg). Again, the applicant has provided no arguments to this fact, rather a mere allegation that the feature does not exist in Weinberg.

Weinberg et al. does not disclose a method in which the icon is a direct representation of the original non-reduced image or that the final map includes a block of text and the reduced sized image. However, Bloomberg discloses a method in which icons are created for use based on the original non-reduced image of a document that they represent, which include blocks of text and images from the document (Figure 3 and column 5, line 63-column 6, line 24 of Bloomberg). The applicant states that "the text itself is not provided; just a graphical representation of text," as being a deficiency of Bloomberg. The examiner is not using the Bloomberg reference to cover the text limitations of the claim, however if the examiner were to use Bloomberg the statement made of record by the applicant (page 11, lines 5-6 of applicant's arguments) would be more than enough to properly reject the textual limitations as presented in the claims.

Regarding applicant's arguments on pages 11-13, in reference to whether or not Weinberg and Bloomberg would have rendered an obvious combination, the examiner

maintains that the rejection is proper. Weinberg teaches mapping a website with the ability for a user to select a node and specifically view the site while looking at the map (column 16, lines 20-37 of Weinberg). Bloomberg discloses a method in which icons are created for use based on the original non-reduced image of a document that they represent, which include blocks of text and images from the document (Figure 3 and column 5, line 63-column 6, line 24 of Bloomberg). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the methods of Weinberg et al. with the methods of Bloomberg because it would have provided an easier way to allow users to recognize the full-sized image represented by the icons by merely previewing the map. The arguments of the applicant reference the analogy of seeing the "forest" through the "trees", however it remains completely unclear how this has an reasonable basis in any way on the claimed subject matter or the rejection as currently and previously presented. It is recommended that for future correspondence the applicant present the arguments in the terms found in the claims and the specification to prevent future misunderstandings.

Regarding applicant's arguments on page 14, in reference to whether or not Weinberg and Bloomberg disclose defining identifiers and properties for each selected object, the examiner maintains that the rejection is proper. Weinberg et al. discloses a method in which a graphical icon is used to identify every object and page in the map (column 2, lines 49-57 of Weinberg). Additional information or properties for each page, object, and link are defined and displayed on the map when a user zooms in the view of the map (column 2, lines 10-57 of Weinberg et al.). Weinberg clearly discloses that a

portion of the text of a file or the file name are included as a part of the map, which is clearly by definition, an identifier (see Figure 4, note all of the nodes have a textual label corresponding to the content of the node), the applicant has provided absolutely zero arguments to rebut either of these facts, merely stating that deficiencies exist. It remains completely unclear to the examiner how phrases such as "Mercury Interactive Online" and "Mercury Interactive – Empl..." can possibly be interpreted in any other way than "an identifier" which remains the only limiting language in the claims. Applicant's arguments regarding the disclosing of properties fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Regarding applicant's arguments on pages 14-15, in reference to whether or not Weinberg and Bloomberg disclose cooperating with an application module operating on a client, the examiner maintains that the rejection is proper. Weinberg et al. discloses a method in which an application module, which is a distributable application, on a client computer generates the map page from information provided by a server (column 7, line 55-column 8, line 15 of Weinberg et al.). The citation provided in the current and previous rejections actually uses the exact language "client computer," thus there is zero basis for the rejection and the applicant has provided no evidence that any difference exists between the term "client" in the claimed invention and the citation of Weinberg.

Regarding applicant's arguments on pages 15, in reference to whether or not Weinberg and Bloomberg disclose automatically selecting target pages from search query results, the examiner maintains that the rejection is proper. Weinberg et al. also discloses a method in which search results (list) from an internet search engine query are used as identifiers to generate the map, and each of those results correspond to one of the objects on the map (column 26, line 47-column 27, line 35 of Weinberg et al.). Weinberg et al. discloses a method in which any of the objects on the map may be selected by the user (column 1, line 64-column 2, line 48 of Weinberg).

Regarding applicant's arguments on pages 16-17, in reference to whether or not Weinberg, Astiz, and Bloomberg disclose serving the map page in response to the selection of an associated identifier, the examiner maintains that the rejection is proper. Astiz et al. discloses a method of mapping a web page in which the map itself and the corresponding data are stored in a database, from which they can be recalled by users (column 5, line 68-column 6, line 20 of Astiz et al.). Astiz et al. also discloses that a mouse can be used to access maps previously generated that are stored in the database by selecting the page (link in search engine results) that the map corresponds too (column 9, line 31-column 10, line 50 of Astiz et al.). The examiner also notes that in addition to the teachings of Astiz, selecting to open a file by merely selecting an identifier is notoriously well known in the art and is not considered novel.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua D. Campbell whose telephone number is (571) 272-4133. The examiner can normally be reached on M-F (7:30 AM - 4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2178

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JDC
August 9, 2007



STEPHEN HONG
SUPERVISORY PATENT EXAMINER